

**Town of Framingham Planning Board Meeting
March 9, 2004**

In attendance are Helen Lemoine, Chairman, Ann Welles, Clerk, Tom Mahoney and Carol Spack. Also present is Jay Grande, Planning Administrator and Carol Pontremoli, Administrative Assistant. Larry Marsh is not in attendance at this time.

Meeting was called to order at 7:10 pm.

I Miscellaneous Administrative

Approval of Meeting Minutes

Administrator Report

Signing of Approved Plans

Occupancy Permit

CVS, 1280 Worcester Road

Paul Galvani attorney is requesting a sign off.

VHB has submitted ??????. Carter Burgess has sent certification in January, 2004. The monitoring has been submitted 30, 60, 90 day monitoring. Jay needs to verify the as builts and verify the payment to GPI and the easement.

Jay noted the temporary permit runs out on March 16th. Jay has not had time to verify the some items and doesn't know if they can be verified by the March 16.

Jay suggests they approve the final permit

Tom Made a motion to approve the temp permit until such time all the open items are verified and upon completion a final permit will be issued. See tape # 115 where Jay reads the motion.

Voted 4 approve to 0 oppose.

Kathie McCarthy, Precinct 10

didn't hear what Paul Galvani said but thought this was to be heard by Traffic and Safety committee.

Helen explained to Kathie we are recommending to the Building Commissioner that the Board is approving but it is up to the Building Inspector has the final say.

Kathie feels part of this process was to monitor the traffic. Jay suggested to Helen suggest from Carol Spack was to have Kathie put her questions in writing.

Helen called for tabling the remainder

Ann Wells made a motion to table the remain

Tom Mahoney Seconded

1 **II 281-283 Concord Street, Regal Cleaners**

2 was a redevelopment and Scott is requesting a final occupancy permit. There
3 are issues, one of which is parking and a digital as built. Jay would
4 recommend a final will be issued when the issues are resolved. A temporary
5 occupancy permit will be issued and upon completion

6 ***Carol Spack made a motion to approved temp occupancy permit and upon***
7 ***receipt of.***

8 ***Tom Mahoney seconded***

9 ***Voted 5 approve and 0 oppose***

10
11 **III Signing of Plan and Covenant ~ Brookbury Estates, 97 Brook Street**

12 Fermo Bianchi is the applicant. Jay is requiring the majority to sign the
13 plans. The Town Clerk has confirmed there were no appeals filed. Jay
14 suggested the Board sign the plans.

15 ***Tom made a motion to approve the covenant contract for Brookbury***
16 ***Subdivision***

17 ***Document 358-04. dated***

18 ***Carol Spack seconded***

19 ***Voted 5 approve and 0 opposed***

20
21 ***Motion to suspend the rules regarding the hearings after 10:00 pm***

22
23 **IV Signing of Plan ~ Brimstone Estates OSRD, off Woodstock Drive**
24 **Modification to Scenic Road, 45 Nixon Road**

25 The Planning Board will be adjourned for Special Town Meeting. The
26 following public hearings will be held following Special Town Meeting

27
28 **V Meeting brought back to order at 9:30 pm**

29
30 **VI Public Hearings**

31 Helen and Larry are not able to sit on this hearing. The gavel has been given
32 to Larry who gave it to Ann Welles, Clerk.

33
34 **VII Continued Public Hearing for Site Plan Review Approval and Public**
35 **Way Access Permit, 816 Worcester Road.**

36 Paul Galvani is attorney

37 Ann asked Jay to give an update. He noted the Board is still waiting for a
38 letter from Engineering.

39 A draft decision document number ????????

40 Ann asked the Board if they would like to read the decision page by page.

41 Paul Galvani noted a revised plan was prepared responding to technical
42 comments from Engineering and some landscaping issues.

43 They have submitted revised plans noting landscaping updates. He notes his
44 March 4th letter a reconstructed curbing along Wheeler Avenue.

45 Ann Welles noted this is the last open public hearing and asked the audience
46 if they had any questions. Ann noted there were none.

1 Carol Spack asked about waivers. Jay commented they are not asking for
2 any waivers.
3 Paul responded to Carol's questions regarding the percentage of landscaping
4 required.
5 Ann asked what the rescission date was. Paul responded to March 4, 2004.
6 Ann suggested the Board go over the decision. On page one: Jay noted the
7 revision date for the plans would need to be changed.
8 On page 2: Carol asked if under B they could add the words to be removed.
9 Tom asked about the lighting plan. Paul noted they will be Colonial Lighting
10 fixtures approximately 13.5 feet. Page 3: Jay added the time frame for
11 recording. Ann feels this is the old landscape boiler plate. Jay asked if he
12 should go back Carol asked about 13 – free standing signs and in 15 rooftop
13 equipment. Jay feels we should remove it. Ann would like it to stay. In
14 number 17, Tom and Carol both asked about a reference to general
15 compliance with the Engineering Services department. In number 18, Jay
16 changed the lighting to match. There is a discussion on traffic on Wheeler
17 Avenue. Mr. Mingoelli does not expect any road closure. Tom asked about
18 hours of operation. He feels he would like to add while doing construction
19 no truck activity before 7:00 am and no standing running vehicles which is
20 the construction standard. Line 25 becomes line 23. Jay noted they added the
21 post amble. Tom asked about the format for the as built should be also
22 digital compatible. To be number 23B

23 *Ann asked for a motion*

24 *Tom made a motion to approve the decision for 816 Worcester Road*
25 *subject to See tape 350.*

26 *Carol Seconded*

27 *Voted 3 approve and 0 oppose*

28
29 **VIII Ann hereby gives the gavel back to the Chairman.**

30
31
32 **IX Public Hearing for Special Permit for Dimensional Relief from Off-**
33 **street Parking Design Standards, Site Plan Review Approval and Public**
34 **Way Access Permit, 1283 Old Worcester Road**

35 Paul Galvani attorney, Jim Rosenfeld, Scott Weiss, VHB see tape 378 Paul
36 gave an over view. He noted some minor alterations were made specifically
37 handicapped parking. He also noted on parking space was in the Old
38 Worcester Road right of way. Paul noted there was a slight Third item was to
39 move the trench drain. Jay noted there was a letter from DPW last week but
40 did not receive one for this week. Revised plans which were revised were
41 sent to departments. There was a draft decision. There was correspondence
42 from Netta Weekes and Jay feels the applicant should respond to those
43 issues. Helen read a letter from Mrs. Weekes and the Board will respond to
44 each item. The second item was regarding the lot change. The answer is no.
45 Kathie McCarthy has asked questions out of order. Larry has requested from
46 The Chairman to keep order and notes the Board usually does not read letters

1 from abutters into the record.
2 The question regarding drainage and bituminous pavement. Paul notes that
3 part of the parking lot approximately 2-3 feet have been there for 23 years.
4 Carol asked if the encroachment was removed would the size requirement be
5 insufficient.
6 Jim Rosenfeld noted they are.
7 Ann is certain this topic was discussed and she feels this as well as the Board
8 felt this was not an issue. Larry agreed with Ann.
9 Mrs. Weeks last item was regarding a dumpster sitting in front of her
10 window.
11 Paul commented inquired with Drs Schwarz and Blum are here to attest that
12 the dumpster has been there for over twenty years. Paul noted there has been
13 no request or notation regarding the dumpster.
14 Ann asked if the applicant would be willing to find the dumpster.
15 Jim Rosenfeld noted where the window is on the house and there is a
16 deciduous tree.
17 Jim feels he can demonstrate on the plans that they took care of the trench
18 drains and the parking lot.
19 Jay noted Jim should walk the Board through the letter from Engineering
20 Dept.
21 Carol would support Jay in his notation.
22 Kathie McCarthy commented on no TV coverage at a public meeting.
23 Helen noted that there are no camera's due to the Town Meeting tonight.
24 Helen asked for decisions number 348.04 and 348A-04.
25 Page 1 noted
26 Page two, bottom of the page Helen read the paragraph On document 348-
27 04A, Page three, numbers 1,2,3 need to be deleted – Carol asked where Jay
28 would place the issue of the dumpster.
29 Jay feels it should go under the general provisions. See tape 1 side 2 590.
30 Helen noted the appeal period and noted it should be written proof.
31 Number 13 will note the digital
32 Paul noted they have an issue for number 14. Paul noted they would have to
33 lower the grade, cut trees to require a sidewalk.
34 Kathie McCarthy, Precinct
35 Kathie noted the AAB rules, she notes the handicapped space and said the
36 Board did not go through the town rules. She notes that Engineering did in
37 fact ask for a sidewalk. She notes there are many people who walk in their
38 neighborhood. She also has an issue with the curb cut on the property.
39 Larry asked for a point of order regarding Kathie's request and comments
40 and would like to get back to number 14.
41 Ann noted that Kathie got her answer.
42 Helen asked for any Board's comments for either decision documents.
43 Ann will be happy to give her input.
44 Kathie McCarthy, Precinct 10
45 She noted she has another neighbor who was not able to be here and has a
46 letter to read.

1 Larry asked Helen to make a point of order on her comments.
2 Kathie read the letter into the record.
3 Helen noted the letter was read and the question was answered.
4 Jay interrupted Kathie and asked Ken to give the review on the answer again.
5 Ken noted the existing space is inadequate. The looked to across the way
6 and noted the space is next to the ramp.
7 Ann would like to reiterate on tonight's Town Meeting and notes the
8 application goes through a review process. She notes that the review by
9 various town boards is incompetent and is a gross (see tape 1 side 2 715.)
10 Paul would like to recap. Tom would like to add the construction hours and
11 standing vehicles before 7:00 am.
12 Carol would like to note the parking space size is an unlawful to the abutter.
13 Helen would like to note there will be a continued meeting to March 16, at
14 7:05 pm
15 Helen noted the Board voted to suspend their rules to conduct business past
16 midnight.
17

18 X **Continued Public Hearing for Special Permit for Mixed Use, Special for**
19 **Exemption in the Required Number of Parking Spaces, Special Permit**
20 **for Reduction in the Required Number of Parking Spaces, Special**
21 **Permit for Off-Site Parking Plan Approval, Site Plan Review Approval**
22 **and for Public Way Access Permit, The Arcade, 101 – 175 Concord**
23 **Street, 29, 31-45, and 47 Frederick Street and 80 Kendall Street**

24 Helen noted tonight's topic will be on infrastructure which will be an
25 overview. Michael Gatlin, John Thomas, Beals and Thomas, and Rich ????
26 Michael distributed responses to the Greenman Pedersen questions. Rich
27 gave an overview of water, sewer. He went to the plans and began his
28 overview. Discussing water – they found there was an excellent supply and
29 will be proposing additional connection and also at the request of the Fire
30 Dept there will be no dead-end connections. Tom asked if they take off six
31 inch will there be sufficient fire flow. Rich responded there would be. He
32 noted there will be plenty of water. Rich next spoke on storm drainage. He
33 noted the Prindville building drain into the sewer. They will change that.
34 The proposed runoff for the storm water runoff will be the same. He noted a
35 comment from DPW regarding infiltration. They are not proposing any
36 infiltration at this time. Regarding sanitary conditions the average daily flow
37 is 8,000+ gallons a day. With the new project they will be an increase in
38 sewer discharge. Rich noted there is concerns with a capacity problem on
39 Bishop St. They have worked with DPW and have monitored the flow for
40 three weeks. They have discussed three alternatives for potential solutions.
41 The Town has also noted there could be problems near Farm Pond area.
42 Helen asked if there were any comments. Ann asked if they will be
43 providing to the town interim drainage measures. Rich assured her they will.
44 Carol asked about uses and a restaurant tenant. Rich noted they did take a
45 restaurant in the figures and would be putting in a grease trap. Jay noted
46 there is a downtown problem. There are old pipes and DPW is just starting

1 to note the problems. Beals and Thomas have done extensive analysis. At
2 this point, Jay noted there was one day in a 21-day period. There was one
3 day where there was a rain problem where the pipe was full. Jay feels SEA
4 Consultants will bring this into light. John Thomas would like to remind the
5 Board these problems are not near downstream. Jay noted this project is
6 pushing the need to define the issue and suggest a solution to this area. Jim
7 asked if there were any problems that came forward when other projects were
8 being completed. Jay noted Dennison Project but they were not on the same
9 lines. Tom asked the Board not to forget the sewage flow, that the application
10 will have to take into account a fee of \$4.50/gallon. Jay feels they may need
11 mitigation regarding DPW. Ann asked about the applicants paying for
12 technical issues. Michael noted a \$2000 check given to Jay tonight. Bob
13 DeShaw, Precinct 14 He notes there are a lot of problems with localized
14 flooding in this area. He notes there is a high water table. When Dennison
15 Triangle comes on board, this will add to the flow of water. Bob Haggerty
16 Precinct 6- he grew up in this area and he notes there is a problem with
17 flooding. When it rains the drains cannot handle the water. Ann asked if Jay
18 could have someone look into the localized flooding.
19 Jay will ask Engineering Dept to look at this problem. Larry asked the
20 Chairman if they Board could get an general update on the issues that had
21 been discussed previously. This will be continued to March 16 at 8:45 pm
22

- 23 **XI** Continued Public Hearing, Special Permit for OSRD, Definitive Subdivision
24 Plan Approval, Ford's Meadow, 45 Nixon Road, Paul Galvani
25 Paul Galvani, Attorney and Stew Mayer, Nexum Development
26 Jay gave an update on what has been received in the last week. Document
27 346-04 address. Jay received a draft decision and correspondence from Peter
28 Baril. Board of Health has submitted approval with conditions number 369-
29 04 and 370-04. Helen noted we will use the decision document as a check
30 off and then address items as needed. On page one there is a statement of
31 facts. Paul noted some minor changes. Helen suggested they only discuss
32 substantive changes. Carol asked for clarification on some wording. Jay will
33 list all permits which have been filed. Page two Carol thinks the list is great
34 but item 4 talks about a cluster development and asked if there is a plan that
35 reflects this. Jay suggested modifying the title. Paul modeled this decision
36 after the Franchi decision. Stew noted all the plans have been filed and the
37 landscaping plan will be ready for the next meeting. Carol has comments:
38 preliminary to add "esq" after Paul's name. She also is questioning an
39 agreement that is mentioned. She doesn't feel she understands what this is.
40 She feels the road which is over 1,000 feet does not conform and would like
41 to see the word objective in the sentence. She would like to remove some
42 verbiage. She notes the comment from Mark Bobrowski and needs to be in a
43 separate sentence than his comments from DEP. In last paragraph, she feels
44 the text is not quite there yet. Edward James asked if the public would be
45 allowed to speak before the close of the hearing. Helen assured he will have a
46 chance to speak. Ann asked about the density count. She wanted to know if

1 there were any comments on a second well field. Paul noted they are
2 requesting 24 units in total. Page three, Carol noted that roadway. Sidewalks
3 and walking trails should be added to improvement. She would like to note
4 page three, paragraph 3 should say include. In paragraph five the “tense” is
5 incorrect. Further down the page, she added the percentages and they don’t
6 add up to 100%. Ann noted in the last paragraph the existing house was
7 going to be used and now it is talking about a new house. She would like to
8 flag this as new information. Page four – Carol is confused and asked what is
9 it? A cluster or condominium. Jay noted that 40% open space is a threshold.
10 In the last sentence, Ann asked if they could add “better preserved” Jay feels
11 that section B is just meeting requirements. Carol asked about the second
12 well area. Ann feels it might be good to point out the percentages. Page five
13 continues with the compliance. Carol questioned the first full paragraph
14 should not any future access roads or wells. Jay would like to clarify what
15 district – he suggests adding zoning districts. Ann asked about trash pick.
16 The applicant asked DPW and the wording should reflect that. Carol is
17 questioning the open space in the next paragraph.

18 *Ann would like to make a motion to suspend the rules to go past the twelve*
19 *o’clock hour.*

20 *Larry Seconded*

21 *Voted 5 approve and 0 oppose*

22 Carol asked about the detention pond. Jay gave this as an example. Helen
23 asked the audience if they had any questions: Ed James asked about zone one
24 and zone two and has that been decided that they can do that. Tom noted
25 they will add the percentages in the decision. Ed noted a meeting on Feb,
26 2002 and noted Helen was starting brand new. He was under the impression
27 that the plans filed in Feb have no conventional plan with it. In the July 9,
28 2002 findings, the Board noted the plans did not comply. Jay noted there was
29 presentation. He noted that Larry commented in a meeting about (see tape 2
30 side 1) Sue Bernstein, Has two points, in preliminary hearing section there is
31 a reference on lots and homes themselves are part of the condominiums. You
32 may want to comment on that further. The board agreed on 24 units. There
33 was never any proof to support that. Andy Lemari, abutter from Dartmouth
34 Drive. He feels this has some good attributes but the applicant has been
35 argumentative at times. He is glad there will be no underground water. On
36 page three regarding homes he doesn’t understand where the homes will be
37 located. Jay explained that you need to satisfy the setbacks and
38 requirements. Carol noted the applicant has sited where the houses will be
39 placed. Ann asked to look into Brimstone. Paul noted this is the Brimstone
40 model. Ann feels the language could be more defined. Kathy Vassar asked
41 about the land for the second well. She also asked about DEP approval and
42 asked if they have applied for application. Stew noted this is a two-step
43 process and all water quality and quantity. She asked about utilities and
44 asked if all town departments have this information. Stew Mayer noted this
45 came up awhile back. The utilities will not give approval until there is an
46 approval by the Planning Board. Kathy would like to know the process. Ed

James wants to know what the gallons per day. Stew feels they are going for 8,640. Helen asked Jay for a recommendation from Peter. Starting with section E – Jay noted the conditions from Director of Board of Health. Peter Baril responded that water supply will require approval from DEP. The whole issue on the second well and feels this is a belt and suspender fix. The DEP will not approve this if there is not sufficient capacity. Larry asked clarification from document 370-04 from Robert Cooper, Director of Board of Health. What happens if it doesn't meet 110 gallons a day. Ann asked where the second well would be placed. Stew noted the second well will be about the first well. Ann asked about the surface and if it will change. Did it change the lot configuration. If the well did not do well outside the five year period. Stew noted there will be a condo association and maintain funds. Peter noted that DEP will have to provide technical and financial responsibility. Carol asked why did you locate the well site where you are showing it? Stew answered because it fit and wanted to minimize disturbance. Carol asked if they will find water. Stew noted if you drill you will get water. Carol is asking if they will be drawing from the same water source. Stew mentioned what he has heard and that is there are fractures where there is water. John Bertorelli found this site acceptable solution. Carol continued to question the back up well. Stew urges the Board to keep in perspective that DEP will need to react to this. Ann is still thinking about the bedroom count with no additional units and that no one will be able to tie into the water supply. Larry asked how this will be resolved? Will it be up to the DEP? Stew has a letter from Carr where the subject is addressing the impact of those wells. Jay will put something in the decision. Ann suggests the Board sites document 346-04. Ann would like to stipulate where it should go into the document Helen asked about number 24. Jay noted the BOH is relying on ??? tape two side two 700. Peter Baril talked about subdivision drainage system. He noted the revised drawings which he documented in his letter date March 9, 2004 number 368-04. With respect to the wetlands, Peter does not feel there will be any problems with runoff. Ann asked about the 1 to 1 slope. Peter noted his letter of last week and noted they have been incorporated on the plans. Stew noted they have chosen option 2. Larry asked Peter about the retention basin near the James property. Is it further away. Peter noted he received the information came from the applicant and has been moved away from the property. Larry wants to note if th???????????????? Peter noted the modifications that were made were to had no impact on the James property. Larry read from a letter document 368-04 page two paragraph two. He thought this said there is not a significant risk to the James property. Ed James asked for a copy of the plan that shows the pond is further away. Larry feels we should be concerned with Ed James property would be protected. Kathy Vassar asked what percent of open space is zoned one? Stew noted he does not have that calculation. Is SVT aware that there is a second well? Sue Bernstein, noted that the letter from Board of Health is from the Director only and the Board of Health could deny this. Larry asked if the Board will get an updated document? Jay will get them an

1 update.

2 *This meeting was continued on March 16 at 9:45 pm.*

3
4 *Tom made a Motion to Adjourn*

5 *Ann Seconded*

6 *Voted 5 approve to 0 opposed*

7
8 Meeting adjourned at 1:15 am

9
10
11
12 ****THESE MINUTES WERE APPROVED WITH AS TRANSCRIBED BY THE**
13 **PLANNING BOARD MEETING OF MARCH 22, 2005.**

14
15
16
17 _____
18 Thomas Mahoney, Chairman